

## Wage and Hour Division, Labor

## § 580.3

### RULES OF PRACTICE

- 580.7 General.
- 580.8 Service and computation of time.
- 580.9 Commencement of proceeding.

### REFERRAL FOR HEARING

- 580.10 Referral to Administrative Law Judge.
- 580.11 Appointment of Administrative Law Judge and notification of prehearing conference and hearing date.
- 580.12 Decision and Order of Administrative Law Judge.
- 580.13 Procedures for appeals to the Secretary.
- 580.14 Filing and Service.
- 580.15 Responsibility of the Office of Administrative Law Judges for the administrative record.
- 580.16 Final decision of the Secretary.
- 580.17 Retention of official record.
- 580.18 Collection and recovery of penalty.

AUTHORITY: 29 U.S.C. 9a, 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 13-71, 36 FR 8755; 5 U.S.C. 500, 503, 551, 559; sec. 9, Pub. L. 101-157, 103 Stat. 938; sec. 3103, Pub. L. 101-508.

SOURCE: 56 FR 24991, May 31, 1991, unless otherwise noted.

### § 580.1 Definitions.

As used in this part:

*Act* means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U.S.C. 201 *et seq.*).

*Administrative law judge* means a person appointed as provided in 5 U.S.C. 3105 and subpart B of part 930 of title 5 of the CFR, and qualified to preside at hearings under 5 U.S.C. 554-557.

*Administrator* means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and includes any official of the Wage and Hour Division authorized by the Administrator to perform any of the functions of the Administrator under this part and parts 578 and 579 of this chapter.

*Chief Administrative Law Judge* means the Chief Administrative Law Judge, Office of the Administrative Law Judges, U.S. Department of Labor, Washington, DC 20210.

*Department* means the U.S. Department of Labor.

*Person* includes any individual, partnership, corporation, association, busi-

ness trust, legal representative, or organized group of persons.

*Secretary* means the Secretary of Labor, U.S. Department of Labor, or a designated representative of the Secretary.

*Solicitor of Labor* means the Solicitor, U.S. Department of Labor, and includes attorneys of the Office of the Solicitor authorized by the Solicitor to perform functions of the Solicitor under this part.

### § 580.2 Applicability of procedures and rules.

The procedures and rules contained in this part prescribe the administrative process for assessment of civil money penalties for any violation of the child labor provisions at section 12 of the Act and any regulation thereunder as set forth in part 579, and for assessment of civil money penalties for any repeated or willful violation of the minimum wage provisions of section 6 or the overtime provisions of section 7 of the Act or the regulations thereunder set forth in 29 CFR subtitle B, chapter V. The substantive requirements for assessment of civil money penalties are set forth at 29 CFR part 579 (child labor) and part 578 (minimum wage and overtime).

### § 580.3 Written notice of determination required.

Whenever the Administrator determines that there has been a violation by any person of section 12 of the Act relating to child labor or any regulation issued under that section, or determines that there has been a repeated or willful violation by any person of section 6 or section 7 of the Act, and determines that imposition of a civil money penalty for such violation is appropriate, the Administrator shall issue and serve a notice of such penalty on such person in person or by certified mail. Where service by certified mail is not accepted by the party, notice shall be deemed received on the date of attempted delivery. Where service is not accepted, the Administrator may exercise discretion to serve the notice by regular mail.